

Introduced by Senator Walters

January 27, 2009

An act to add and repeal Section 815.1 of the Government Code, relating to government tort claims, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 108, as introduced, Walters. Government tort claims: charter schools.

Existing law, the California Tort Claims Act, governs the tort liability and immunity of, and claims and actions against, public entities and their officers and employees. A public entity, as defined, is not liable for an injury, except as otherwise provided by statute, whether the injury arises out of an act or omission of the public entity or a public employee or any other person.

Existing law specifies that a charter school is deemed to be a school district for purposes of statutory provisions regarding apportionments from the State School Fund, allowances for transportation, and state lottery funds and provisions of the California Constitution regarding the calculation of the minimum amount of funding for the support of school districts and community college districts.

This bill would authorize the California Law Revision Commission to submit a report to the Legislature, on or before May 1, 2009, that addresses the question of whether charter schools should be added to the list of public agencies covered by the California Tort Claims Act.

The provisions of the bill would be repealed on January 1, 2010.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 815.1 is added to the Government Code,
2 to read:
3 815.1. (a) The California Law Revision Commission may
4 submit a report to the Legislature, on or before May 1, 2009, that
5 addresses the question of whether charter schools should be added
6 to the list of public agencies covered by this division.
7 (b) This section shall remain in effect only until January 1, 2010,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2010, deletes or extends that date.
10 SEC. 2. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:
14 In order to authorize the California Law Revision Commission
15 to promptly prepare and submit a report to the Legislature that
16 would assist the Legislature in determining whether to amend
17 existing law to protect charter schools from imminent financial
18 harm as a result of a recent Court of Appeal decision, *Knapp v.*
19 *Palisades Charter High School* (2007) 146 Cal.App.4th 708, which
20 held that charter schools are not public entities for purposes of the
21 Tort Claims Act (Division 3.6 (commencing with Section 810) of
22 Title 1 of the Government Code), it is necessary that this act take
23 effect immediately.